

Municipal Clerk
Atlanta, Georgia

05- 0 -0664

**AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

UEZ-05-01

**AN ORDINANCE TO CREATE THE "1870 MURPHY AVENUE INDUSTRIAL
ENTERPRISE ZONE", TO BE LOCATED AT 1870 MURPHY AVENUE, S.W.,
AND FOR OTHER PURPOSES.**

NPU "Y"

COUNCIL DISTRICT 12

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for industrial purposes if certain conditions are met; and

WHEREAS the designation of an industrial enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for industrial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "1870 Murphy Avenue, S.W.";

WHEREAS, the applicant has applied for an industrial enterprise zone, and the property is zoned for industrial uses under the "I-2" (Heavy Industrial) zoning classification and the property is designated as "Industrial" land use, thus industrial uses shall be allowed;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "1870 Murphy Avenue Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "1870 Murphy Avenue Industrial Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "1870 Murphy Avenue Industrial Enterprise Zone" is hereby created for the subject property at 1870 Murphy Avenue, SW, which represents property Parcel Code Number (PCN) 14-0122-0009-085-6 and contains 5 acres of land. The effective date of all exemptions established therein shall be January 1, 2006. The "1870 Murphy Avenue Industrial Enterprise Zone" shall be abolished on December 31, 2015. The "1870 Murphy Avenue Industrial Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "1870 Murphy Avenue Industrial Enterprise Zone" are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "1870 Murphy Avenue Industrial Enterprise Zone" shall allow only industrial and related uses, and shall consist of the rehabilitation of the existing 50,000-square-foot building in one phase to allow for industrial uses only;

Section 4. The development of the "1870 Murphy Industrial Enterprise Zone" shall not be subject to the "housing affordability requirements" for urban enterprise zone designation that are defined in City Code Sections 146-52(2)a.1, 146-52(2)a.2, and 146-52(2)a.3 (per approved Ordinance #03-O-1695), since the proposed development project within the "1870 Murphy Avenue Industrial Enterprise Zone" shall not contain any residential uses.

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "1870 Murphy Avenue Industrial Enterprise Zone" to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 6: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

HOUSING AFFORDABILITY TABLE FOR 2004

MAXIMUM ALLOWABLE 2004 INCOME AND HOUSING PRICES FOR HOUSING AND MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONES IN THE CITY OF ATLANTA

Family Size	Maximum Allowable Percentage Of Base Median Family Income*	Maximum Allowable Annual Income**	Maximum Allowable Annual Housing Expense***	Maximum Allowable Monthly Rent****	Maximum Sales Price*****
One Person	70	\$28,980	\$8,694	\$725	\$151,800
Two Persons	80	\$33,120	\$9,936	\$828	\$151,800
Three Persons	90	\$37,260	\$11,178	\$932	\$151,800
Four Persons	100	\$41,400	\$12,420	\$1,035	\$151,800
Five Persons	108	\$44,712	\$13,414	\$1,118	\$151,800
Six Persons	116	\$48,024	\$14,407	\$1,201	\$151,800
Seven Persons	124	\$51,336	\$15,401	\$1,283	\$151,800
Eight Persons	132	\$54,648	\$16,394	\$1,366	\$151,800

KEY

*Data were calculated using the HUD Median Family Income Base for the Atlanta Metropolitan Statistical Area (MSA) for Fiscal Year 2004 (as of January 28, 2004) for a Family Size of Four Persons, which was \$69,000. Using this figure, data have been adjusted according to family size, such that family income cannot exceed 60 percent of the Median Family Income Base.

**Family Size times Maximum Allowed Base Income (Median Atlanta MSA Family Income of \$69,000 times the Housing Affordability Maximum Allowed Percentage of 60 percent, which equals \$41,400).

***Maximum Allowable Annual Income times 30 percent, which allows for the remaining 70 percent of the total annual income to be used for Living Expenses.

****Maximum Allowable Annual Housing Expense divided by 12.

*****The Maximum Sales Price shall not exceed 2.2 times the median family income.

NOTES

1. The urban enterprise zone regulations determine the maximum allowable monthly rental range.
2. For rental properties, Georgia State Law allows a maximum of two persons sleeping in each bedroom.

Source: City of Atlanta Bureau of Planning calculations, based on U.S. HUD Fiscal Year 2004 Median Family Income figure of \$69,000 for the Atlanta Metropolitan Statistical Area.

BELLA CUCINA ARTFUL FOOD INDUSTRIAL ENTERPRISE ZONE

TO BE LOCATED AT 1870 MURPHY AVE, SW
DISTRICT 14, LAND LOT 122
COUNCIL DISTRICT 12, NPU X

